

REMARKS/ARGUMENTS

Claim 1 has been amended by incorporating the limitations of claims 5, 6, and 9. Claims 13, 16, 23, and 24 have been amended to add a leading parenthesis before "Cu⁺". Claim 17 has been amended to incorporate the limitations of claims 19 and 20. Claims 13 and 23 have been amended to refer respectively to claims 1 and 17. Claim 26 has been amended to incorporate the limitations of claim 27. New claims 29 – 32 have been added. Claims 5, 9, 11, 19, and 27 have been amended to depend respectively from new claims 30, 29, 29, 31, and 32.

The objections to claims 13, 16, 23, and 24 are believed obviated by the amendments to those claims.

The rejection of claim 3 under 35 U.S.C. § 112, first paragraph, is believed obviated by the amendment to the specification inserting reference there to the subject matter of claim 3.

The rejection of claim 26 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 3,360,674 to Mikus et al. is respectfully traversed. As noted above, claim 26 has been amended to incorporate the limitations of claim 27, which is neither disclosed nor suggested by Mikus et al.

The rejection of claims 1 – 3, 5, 6, 10 and 26 under 35 U.S.C § 102(b) as anticipated by U.S. Patent 6,252,254 to Soules et al. is respectfully traversed. As noted above, Claim 1 has been amended by incorporating the limitation of claim 9, calling for the device to be a GaN based device (and also incorporating the limitations of claims 5 and 6). Claim 5 (and therefore also 6 by dependency) has been amended to depend from new claim 30, which incorporates the limitations of claim 8. Claim 10 depends from amended claim 1. As noted above, claim 26 has been amended to incorporate the limitations of claim 27. None of these claims are anticipated nor suggested by Soules et al.

The rejection of claims 1 – 3, 5, 6, 10 and 26 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 6,084,250 to Justel et al. is respectfully traversed. As noted above, claim 1 has been amended by incorporating the limitation of claims 5 and 6, calling for x to be greater than 0 and

less than 1. Claim 26 has been amended to incorporate the limitations of claim 27. None of these claims are anticipated nor suggested by Justél et al.

The rejection of claims 13 and 23 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,084,250 to Justél et al. in view of U.S. Patent 6,278,135 to Srivastava et al. is respectfully traversed. As noted above, claims 13 and 23 have been amended to refer respectively to claims 1 and 17, which call for the red phosphor to have the formula $\text{Bi}_x\text{Ln}_{1-x}\text{VO}_4\text{:A}$ where x is greater than 0 and less than 1. There is nothing in the combination of Justél et al. and Srivastava et al. that suggests that limitation.

Applicant notes that claims 7, 8, 14 -16, 20 - 22, 24, 25, 27, and 28 have either been allowed or indicated to be allowable if rewritten to overcome the stated objections or made independent., and that has been done. Applicant believes that in view of the foregoing amendments, all the claims should be allowable and therefore solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-0337. If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Berliner', is written over a large, loopy oval-shaped scribble.

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